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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,467	06/20/2001	Jeffrey A. Bedell	53470.003030	9623

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EXAMINER	
AMSBURY, WAYNE P	

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/884,467	BEDELL ET AL.	
	Examiner	Art Unit	
	Wayne Amsbury	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-27 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 20 June 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

CLAIMS 1-27 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Upon further search and consideration and upon consultation with other primary examiners, it is considered in the best interests of applicant to re-open prosecution and clarify some of the issues in the case.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term: "the process" at line 4 of claim 1 does not have a proper antecedent. In the interest of compact prosecution, it is considered that –the method—was intended.

4. **Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonough et al (McDonough), US 6,115,693, 5 September 2000.**

As to **claims 1 and 14**, McDonough teaches a computer-implemented method for capturing at lest one statistic or data regarding performance operation of a business intelligence reporting system that generates business intelligence reports based on requests submitted to perform analysis of data contained in a database [ABSTRACT; COL 3 lines 36-44; COL 4 lines 36-38; COL 11 lines 5-17 and COL 12 lines 45-55], the method comprising the steps of: gathering at least one statistic or data related to the performance operation of the reporting system while the reporting system is operating [COL 4 lines 1-3 and 24-27; COL 10 lines 10-15; FIG 5, MONITOR **504**]; and generating at least one output based on the gathered at least one statistic or data [COL 3 lines 55-64; COL 10 lines 1-9; FIG 5 REPORTING SYSTEM **508** for accessing statistics for generating management reports].

Further refer to the abstract, FIG 5, COL 3 line 36 to COL 5 line 5, COL 9 line 53 to COL 10 line 30, COL 11 lines 5-40, and COL 12 lines 45-55 for general background and understanding of the invention of McDonough.

McDonough as stated above clearly shows that the Quality Center **500** in FIG 5 is operating in a business environment. [See also ABSTRACT; COL 3 lines 36-44; COL 4 lines 36-38; COL 11 lines 5-17; COL 12 lines 45-55]. Furthermore, in regard to real time operation of the reporting system, McDonough as stated above clearly shows that the Monitor **504** in FIG 5 monitors information regarding contact volumes for the plurality of physical locations in real time and measures end-to-end process flows for outlining the process for monitoring the Virtual Sales and Service Center, analyzing the key statistics, and gathering information.

Again, refer to COL 4 lines 1-3 and 24-27, and COL 10 lines 10-15.

As to **claims 2-4**, the reporting system of McDonough as noted above generates reports utilizing the gathered statistics in real time and produces them for management, which is the end user of the system. As noted above, output is provided to the end user [COL 3 lines 55-64; COL 10 lines 1-9; FIG 5 REPORTING SYSTEM **508** for accessing statistics for generating management reports]. These reports clearly utilize the gathered statistic or data, and occur in real time as they occur while the reporting system is operating [COL 4 lines 1-3 and 24-27; COL 10 lines 10-15; FIG 5, MONITOR **504**].

As to **claim 5**, McDonough applies decision support tools [COL 12 lines 45-55].

As to **claim 6**, a number of these data are addressed in some guise in McDonough, and in particular, user activity and system usage are part of the contact volume traffic at least [COL 3 lines 45-54].

As to **claim 7**, McDonough is directed in part to cost savings and lowering costs [COL 1 lines 64-67; COL 2 lines 41-45]. This inherently involves allocation of costs.

As to **claim 8**, see COL 5 lines 1-5.

As to **claim 9**, the Quality Center makes recommendations for improvement [COL 12 lines 45-55], which is clearly tuning, as is much of the purpose of the system of McDonough.

The elements of **claims 10-27** are rejected in the analysis above, and these claims are rejected on that basis. They are directed to structure rather than function, but the structure is depicted in the figures used as the basis of the description of the method as set forth above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA

WAYNE AMSBURY
PRIMARY PATENT EXAMINER